

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

**Directions:** Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

<b>Appeal No. &amp; Caption</b>	AFSCME, et al. v. Social Security Admin., et al., No. 25-1411
<b>Originating No. &amp; Caption</b>	AFSCME, et al. v. Social Security Admin., et al., No. 25-cv-596
<b>Originating Court/Agency</b>	United States District Court for the District of Maryland

<b>Jurisdiction</b> (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. § 1292(a)(1)	
Time allowed for filing in Court of Appeals	60 days, per FRAP 4(a)(1)(B)	
Date of entry of order or judgment appealed	April 17, 2025	
Date notice of appeal or petition for review filed	April 17, 2025	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If appeal is not from final judgment, why is order appealable? Interlocutory appeal authorized under 1292(a)(1) because appeal is from a decision granting a preliminary injunction.		

<b>Settlement</b> (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Transcript</b> (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Case Handling Requirements</b> (answer any that apply)		
Case number of any prior appeal in same case	25-1291	
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	AFT v. Bessent, 25-1282 (4th Cir.)	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

<b>Nature of Case</b> (Nature of case and disposition below. Attach additional page if necessary.)
<p>Plaintiffs challenge under the APA decisions by the Social Security Administration to grant certain employees access to government systems containing records with personally identifiable information. The district court issued a preliminary injunction restricting those employees from accessing those systems on the basis that the decisions to allow them access violate the Privacy Act.</p>

**Issues** (Non-binding statement of issues on appeal. Attach additional page if necessary)

The issues on appeal include: (1) Whether plaintiffs have standing to bring their claims; (2) whether plaintiffs have identified "final agency action" for purposes of triggering APA review; (3) whether APA is available to seek injunctive relief notwithstanding the Privacy Act's comprehensive remedial scheme (4) whether the agency action alleged runs afoul of the Privacy Act and (5) whether plaintiffs satisfied the remaining preliminary injunction requirements.

**Adverse Parties** (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: See attachment 1

Attorney:  
Address:

E-mail:

Phone:

Adverse Party:

Attorney:  
Address:

E-mail:

Phone:

**Adverse Parties (continued)**

Adverse Party:

Attorney:  
Address:

E-mail:

Phone:

Adverse Party:

Attorney:  
Address:

E-mail:

Phone:

**Appellant** (Attach additional page if necessary.)

Name: See attachment 1

Attorney:  
Address:

E-mail:

Phone:

Name:

Attorney:  
Address:

E-mail:

Phone:

**Appellant (continued)**

Name:

Attorney:  
Address:

E-mail:

Phone:

Name:

Attorney:  
Address:

E-mail:

Phone:

**Signature:** /s Jack Starcher**Date:** 04/18/2025**Counsel for:** Defendants-Appellants

**Certificate of Service** (required for parties served outside CM/ECF): I certify that this document was served on \_\_\_\_\_ by ☐ personal delivery; ☐ mail; ☐ third-party commercial carrier; or ☐ email (with written consent) on the following persons at the addresses or email addresses shown:

Signature:

Date:

## **Attachment 1**

Representing plaintiffs-appellees American Federation of State, County and Municipal Employees, AFL-CIO; Alliance for Retired Americans; American Federation of Teachers

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Representing defendants-appellants Social Security Administration; Leland C. Dudek, in his official capacity as Acting Commissioner, Social Security Administration; Mike Russo, in his official capacity as Chief Information Officer, Social Security Administration; Elon Must, in his official capacity as Senior Advisor to the President; United States DOGE Service; U.S. DOGE Service Temporary Organization; Amy Gleason, in her official capacity as DOGE Acting Administrator

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